

Exhibit 32

2073-20

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1 to do the sampling, and if they choose not to operate
2 within that right, they should withdraw their poultry
3 feeding operation license and return that license to
4 us.

5 Q (By Mr. Williams) Your suggestion to the
6 Court, then, is if the poultry grower doesn't like
7 the Department sampling for anything they want to,
8 they should just quit being a registered farmer; is
9 that a fair restatement?

10 A Yes.

11 (Break from 11:31 to 11:41 a.m.)

12 Q (By Mr. Williams) Secretary Peach,
13 turning back again to my favorite exhibit, the
14 May 18th memorandum, it is Exhibit Number 2. Now, if
15 we assume for the moment that ODAFF is -- has
16 satisfied itself that some constituents of interest
17 are present on a particular farmer's property in
18 excess of some standard, I think you indicated that
19 then you would want to investigate whether that
20 constituent was being transported to the waters of
21 the state; is that correct?

22 A Yes.

23 Q Does the Department have any reason today
24 to believe that, for example, arsenic is being
25 transported from any of these named growers' fields

1 to the waters of the state of Oklahoma?

2 A The Department does not have a concern,
3 but in the cooperative agreement with the Attorney
4 General's office, they have a concern about that, so
5 it's our responsibility to the environment, to
6 protect the people in the state of Oklahoma, that we
7 find out if that's accurate, and that's why we are
8 doing the soil testing.

9 Q And if I would ask you that question about
10 all these items that we were talking about
11 previously, other than the historical regulated
12 comment --

13 A It would be the same answer.

14 Q -- it would be the same answer?

15 And by using the language, the Department
16 does not have a concern, do you mean that you don't
17 have evidence today of that occurring?

18 A No, not on file.

19 Q You do not have evidence on file of that
20 transport occurring as we sit here today?

21 A Yes, that's accurate.

22 Q Secretary Peach, does the Department
23 consider chicken litter to be a hazardous waste?

24 A The Department doesn't consider poultry
25 litter to be a hazardous material, but anything used